

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE MARCUS CORPORATION,
on behalf of itself and all similarly situated
persons,

Plaintiffs,

-against-

AMERICAN EXPRESS COMPANY and
AMERICAN EXPRESS TRAVEL RELATED
SERVICES COMPANY, INC.,

Defendants.
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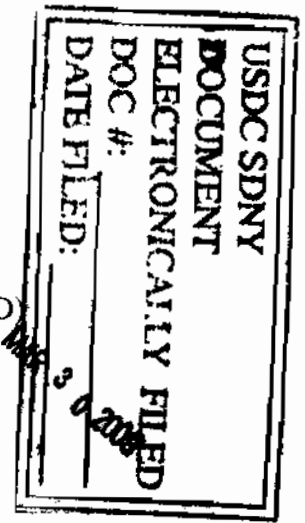
GEORGE B. DANIELS, District Judge:

Plaintiffs' motion for class certification is denied without prejudice to renew, upon
resolution of the pending summary judgment motion.

If summary judgment is denied, the parties may supplement their submissions with
regard to the impact, if any, the recent Second Circuit Court of Appeals' ruling, in In re
American Express Merchants' Litigation, 554 F.3d 300 (2d Cir. 2009), has on the issue of class
certification.

Dated: New York, New York
March 30, 2009

ORDER
04 CV 5432 (GBD)



SO ORDERED:

A handwritten signature in cursive script that reads "George B. Daniels".

GEORGE B. DANIELS
United States District Judge